

March 26, 2021

Dr. Caroline Good
Office of Protected Resources
NOAA Fisheries
1315 East West Highway
Silver Spring, MD 20910

Dear Dr. Good:

On behalf of the U.S. member ports of the American Association of Port Authorities (AAPA), I am writing to express concern regarding recommendations that may lead to detrimental impacts on maritime commerce included in the North Atlantic Right Whale (*Eubalaena glacialis*) Vessel Speed Rule Assessment. These recommendations, if implemented without taking appropriate steps to mitigate the impacts they may have on maritime commerce and vessel safety, could negatively impact ports along the East Coast.

Ports are genuinely committed to taking steps to protect and preserve the North Atlantic Right Whale. However, it is critical that steps are taken to appropriately balance conservation goals with the need to ensure and promote safety as cargo is moved into and out of our nation's ports.

One of the most challenging, and potentially dangerous, aspects of moving freight through our nation's harbors comes as ships move from the open ocean to navigational channels and, finally, to berth to load and unload cargo. As vessel traffic is funneled together through narrow channels and sea lanes, shoal waters, unique hazards, and challenging winds and currents require expert judgement of pilots to ensure safety during this passage. A vessel grounding or collision during this transit could result in a devastating environmental disaster.

Some of our Member Ports not already undertaking this practice are concerned that the recommendation that vessels make "contemporaneous electronic notification of safety deviations" could jeopardize the ability of pilots to exercise judgement and make swift decisions as they guide vessels through these channels. Should changes to the Vessel Speed Rule be considered, NOAA must ensure that it does not place the safety and health of Right Whales above the health and safety of mariners and the environment.

AAPA and our member ports recognize the importance of complying with speed restrictions within seasonal management areas (SMAs). However, putting overburdensome restrictions on vessels moving within navigational channels not only puts in danger these vessels as they traverse these areas but also puts at risk the safe, efficient movement of cargo into ports, and American exports out of ports.

This issue is of particular importance to AAPA's North Atlantic and South Atlantic member ports. We hope that the National Marine Fisheries Service will work closely with AAPA, our member ports, and other maritime industry stakeholders to determine an accurate effect of the recommendations on port communities and implement these recommendations in such a manner that will protect the Atlantic right whale from vessel activity but will not adversely affect the shipping industry, port communities and international commerce.

Sincerely,



Christopher J. Connor
President & CEO



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